In re Patent Application

Serial No. 09/219,478

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Examiner: Michael Pender

Protest under 37 CFR 1.291

Exhibit C

Employee Performance Review from Andersen Consulting, documenting the performance and contributions of Michael Smialek as an employee of Andersen Consulting for the employment period 7/15/1995 – 11/30/1995.

ANDERSEN CONSULTING

CAREER MAP PERFORMANCE APPRAISAL

EVALUATEE			
Name	Mike Smialek	Competency Group	Technology
Personnel Number	000814211	Skill Track	Technology Architecture
GMU/LMU	0283/080	Career Level	Consultant
Business Organization	Consulting	Industry/Market	Cross Industry

EVALUATOR			
Name	Suzanne Pink	Career Level	Experienced Manager
Personnel Number	000681679	Industry/Market	Cross Industry
GMU/LMU	0283/080	Basis of Evaluation	Extensive
Competency Group	Technology		

EVALUATION			
Project/Job Title	GE FMP FFC Design	Period Start	7/15/95
Client/Program Name	GE	Period End	11/30/95
Client Number	GEN042	Date Conducted	

APPROVAL		
Name	Janet Simons	☑ Approved
Career Level	Associate Partner	
GMU/LMU	0021/062	

CAREER MAP PERFORMANCE APPRAISAL

Roles and Expectations

GE is replacing its instructor-led Financial Foundations Course (FFC) with a computer-based business simulation and presentation system.

Mike's role during the design phase of the project is to serve as the lead designer of the tutoring component of the application. This component will process student actions, determine appropriate feedback based on the type of error that occurred, and deliver that feedback.

Mike will supervise one staff person during this period, who will assist Mike in the development of tutor components and workbenches for application designers to input feedback data.

Mike is responsible for managing his own work effort, planning appropriate tasks and providing accurate status of his progress. He must work closely with instructional designers to obtain requirements, and also with the other system architects to ensure that the tutor conforms to other architecture standards.

At the end of this phase, Mike should deliver a working tutor component, which can be integrated into the overall architecture, and a workbench for designers to input feedback.

SKILL DOMAINS

Content Skill Domains

	Standard	*Assessed*
Application Programming	3 * Develop complex program modules from general specifications. * Identify potential design discrepancies and recommend modifications to others' code. * Use architecture efficiently and effectively. * Provide programming assistance to others. * Apply principles of good code development (e.g., reusability, maintainability and self-testing). * Develop guidelines and standards in support of development practice.	3 * Develop complex program modules from general specifications. * Identify potential design discrepancies and recommend modifications to others' code. * Use architecture efficiently and effectively. * Provide programming assistance to others. * Apply principles of good code development (e.g., reusability, maintainability and self-testing). * Develop guidelines and standards in support of development practice.
Mike was given very general guidelines for the tutor component he designed, and was able to develop a very complex application. He is very helpful to others on the team, and is very committed to concepts of reusability and "self-documentation" in all his work.		
Functional Design	2 * Identify functional requirements for your area of responsibility. * Conduct and document user interviews. * Define simple, maintainable processes based on a functional architecture. * Identify functional interfaces and incorporate into design. * Define data requirements of a business process. * Use design tools effectively. * Document volume, frequency and response time requirements of business transactions.	3 * Define the business dialogue that the process should execute. * Design simple, maintainable processes based on a functional architecture. * Define complex processes based on a functional architecture. * Develop functional architecture that supports user requirements. * Identify deviations from functional requirements in design specifications. * Identify key design issues and recommend possible solutions. * Identify scope changes, assess and communicate potential impact. * Recommend modifications to business processes based on design considerations.

CAREER MAP PERFORMANCE APPRAISAL

The architecture Mike designed for the tutor is based on a very complex design. He was able to quickly understand functional requirements, and modify the tutor design as functional requirements evolved through several iterations. He also was able to rapidly assess the impact of required modifications to the design as user requirements changed.

Performance Testing	3 * Identify and describe testing concepts. * Define a test plan based on performance requirements. * Determine which areas of the application or technical environment should be performance tested. * Verify performance test results meet requirements and obtain user sign-off. * Determine appropriate solution to address the causes of testing discrepancies. * Analyze potential system performance problems and make appropriate recommendations.	3 * Identify and describe testing concepts. * Define a test plan based on performance requirements. * Determine which areas of the application or technical environment should be performance tested. * Verify performance test results meet requirements and obtain user sign-off. * Determine appropriate solution to address the causes of testing discrepancies. * Analyze potential system performance problems and make appropriate recommendations.

Mike does a thorough job in testing the performance of his application, and systematically works to improve it where necessary. He understands how different approaches to a problem will impact performance, and always seeks to optimize it.

Project Management	2 * Define tasks and create team workplans with moderate supervision. * Balance quality of work with deadlines and budget. * Delegate work to others and monitor progress. * Identify issues affecting work progress and recommend solutions. * Communicate schedule variances and potential scope changes in status reports. * Provide timely performance feedback. * Compare and contrast the capability and service offerings of the various Competency Groups.	2 * Define tasks and create team workplans with moderate supervision. * Balance quality of work with deadlines and budget. * Delegate work to others and monitor progress. * Identify issues affecting work progress and recommend solutions. * Communicate schedule variances and potential scope changes in status reports. * Provide timely performance feedback. * Compare and contrast the capability and service offerings of the various Competency Groups.

Mike manages his own work effort well, but must work on accurately reporting status to his managers. Mike has a tendency to say something is "complete", but the smaller sub-components may not actually be complete. When prompted, he can accurately estimate work efforts for these smaller components, but must work to better balance work effort with the ability to deliver on time/within budget.

Technical Design	3 * Identify system performance issues resulting from proposed functional design and recommend appropriate functional design changes. * Identify key technical design issues and recommend possible solutions. * Design interfaces between the system being developed and other systems with which it will communicate. * Comply with application architecture/technical architecture boundary standards. * Assess external system change requirements to accommodate interfaces, and create appropriate change requests. * Integrate technical design with overall technical architecture.	4 * Define the sequence in which processing is performed and how data is passed between processes. * Determine data and process distribution in a way that balances functional simplicity with technical feasibility. * Develop conceptual technical designs that comply with the technical architecture. * Specify deliverables to be produced during technical design effort. * Estimate application's cost, resource consumption and response time.
Mike was given a very challenging task, for an application he was unfamiliar with, and was able to develop an architecture that successfully met all design requirements.		

Technology Architecture	2 * Combine architecture components to build one area of an architecture. * Identify how architecture components will be utilized by applications.	4 * Determine appropriate boundaries for the components of an architecture. * Articulate the strengths and weaknesses associated with utilizing alternative architecture solutions. * Recommend a given architecture solution. * Define custom architecture requirements around a known architecture solution. * Define what architecture deliverables need to be produced. * Balance quality requirements against development and maintenance costs in resolving architecture issues. * Develop procedures for the on-going operational support of an architecture.
Mike has made significant contributions to our technical architecture, introducing new approaches and tools throughout the application to increase the sophistication of the overall product. He was able to evaluate a number of strategies for implementing the tutor component, and determined which approach would be ideal for our project. The final result was a product that will likely be reusable for similar engagements.		

Technology Configuration and Deployment	2 * Perform initial system component configuration. * Execute the proper software and/or hardware migration procedures. * Ensure that the necessary user administration changes have been made.	2 * Perform initial system component configuration. * Execute the proper software and/or hardware migration procedures. * Ensure that the necessary user administration changes have been made.

Technology Specialization	2 * Implement specific technology components in area of specialization. * Utilize existing tools and environment to support tasks. * Articulate the strengths and weaknesses associated with a given technology solution within area of specialization.	4 * Recommend a given technology solution within area of specialization. * Determine an approach for providing technology solutions within area of specialization. * Articulate the strengths and weaknesses associated with utilizing alternative implementation environments for area of specialization. * Specify changes required to other technology components to optimize performance in area of specialization.
Mike's expertise in knowledge- and rule-based systems was essential to the development of the tutor component. Without this logic, our tutor would not have the level of reuse that it has, nor the ability to provide feedback according to a specific learning/feedback strategy in a consistent manner.		

Other Content Skill Domains

No Basis Content Skill Domains

Account Planning	1
Business Process Acumen	1
Business Process Conversion	1
Facilitation	2
Functional/User Testing	2
Process Consulting	1
Quality Management	1
Research	1
Sales Planning and Implementation	1
Technology Operations Specialization	1

Professional Qualities

	Standard	*Assessed*
Business Writing	2 * Develop documents that effectively communicate to work groups who share your perspective. * Express ideas in a clear, concise manner. * Write at the appropriate level of detail for the audience. * Use terminology appropriate for the audience.	2 * Develop documents that effectively communicate to work groups who share your perspective. * Express ideas in a clear, concise manner. * Write at the appropriate level of detail for the audience. * Use terminology appropriate for the audience.
Mike is able to develop effective presentations for a given audience. He must work on writing detailed technical documents, which sometimes become too technical for the intended audience. When time becomes critical, Mike has a tendency to let documentation fall to the bottom of the priority list.		
Influence	2 * Provide input that is considered in group or team decision making. * Secure cooperation from and/or persuade co-workers. * Impact team morale, sense of belonging and participation. * Viewed as credible, knowledgeable and sincere. * Demonstrate awareness of others' personal behavior style.	2 * Provide input that is considered in group or team decision making. * Secure cooperation from and/or persuade co-workers. * Impact team morale, sense of belonging and participation. * Viewed as credible, knowledgeable and sincere. * Demonstrate awareness of others' personal behavior style.
Mike has a very persuasive style when participating in group discussions, and presents his arguments very accurately. This is generally good, but Mike must work on driving compromise solutions when appropriate. He is respected as one of the most technically knowledgable team members, and his personality certainly contributes to increasing team morale.		
Initiative	3 * Set personal standards that go beyond the expectation of others. * Identify and act upon opportunities to increase quality of team output. * Look for opportunities to make a contribution outside of immediate role. * Model initiative for others on team.	3 * Set personal standards that go beyond the expectation of others. * Identify and act upon opportunities to increase quality of team output. * Look for opportunities to make a contribution outside of immediate role. * Model initiative for others on team.

Mike's initiative is outstanding - it is often difficult to get him to stop working! He is always looking for ways to contribute to the knowledge capital of the Firm.

Innovation	3 * Identify and use tools and techniques which can encourage innovative thinking. * Implement new approaches, methods, alternatives or solutions and identify potential impacts. * Develop new ways to solve problems when standard approaches do not apply. * Integrate or combine known approaches in novel ways to meet needs or objectives.	3 * Identify and use tools and techniques which can encourage innovative thinking. * Implement new approaches, methods, alternatives or solutions and identify potential impacts. * Develop new ways to solve problems when standard approaches do not apply. * Integrate or combine known approaches in novel ways to meet needs or objectives.
The breadth of Mike's technical knowledge allows him to provide innovative solutions to several areas of the technical design. He developed a workbench to allow designers to enter knowledge directly into databases, thus leveraging programmer time during implementation.		

Leadership	2 * Contribute to a positive work environment through own behaviour. * Build the trust and confidence of others at all levels. * Promote sharing of information. * Demonstrate commitment through actions. * Consider balance between others' work and personal priorities.	2 * Contribute to a positive work environment through own behaviour. * Build the trust and confidence of others at all levels. * Promote sharing of information. * Demonstrate commitment through actions. * Consider balance between others' work and personal priorities.

Negotiation	2 * Resolve issues with subordinates. * Represent Andersen Consulting's viewpoint in issue resolution. * Identify situations requiring effective negotiation.	2 * Resolve issues with subordinates. * Represent Andersen Consulting's viewpoint in issue resolution. * Identify situations requiring effective negotiation.
Mike must learn to seek out win-win solutions to issues, in discussions with others. This applies to both technical and administrative concerns.		

Oral Communication	3 * Organize discussion in a logical manner. * Express ideas to individuals and groups, both in formal and informal settings. * Communicate intended messages clearly when delivering formal presentations. * Develop messages that convey alternative viewpoints. * Respond to questions with accurate and complete answers. * Use effective non-verbal communication during formal presentations. * Communicate appropriately with people at various levels.	2 * Organize and present own perspective in a logical manner. * Express ideas clearly and concisely to groups in informal settings. * Adapt communication content based on audience level. * Listen actively and respond to others.
In formal presentations, Mike is very comfortable presenting technical materials. He must learn to tailor his presentations to his audience, sometimes altering the path of the conversation depending on the interests of the individuals in the room. Mike also needs to know when to raise issues in group meetings, and when to hold his thoughts for private communication.		

Personnel Development	2 * Pursue personal career development goals. * Balance career expectations and business needs. * Seek increased contribution and level of responsibility. * Provide informal feedback to others. * Seek out mentors for coaching and counselling.	2 * Pursue personal career development goals. * Balance career expectations and business needs. * Seek increased contribution and level of responsibility. * Provide informal feedback to others. * Seek out mentors for coaching and counselling.
Mike is proactive in seeking mentoring advice, and continues to look forward at his own career development. Mike's interest in this project is a good example, as it broadens his exposure to the work being done by the Emerging Technologies Group.		

Problem Solving	2 * Break problems into distinct and manageable parts. * Develop supporting data and rationale for alternative solutions. * Refer to precedents in determining solution alternatives. * Recommend solution to problem from various alternatives. * Implement solutions within immediate scope.	2 * Break problems into distinct and manageable parts. * Develop supporting data and rationale for alternative solutions. * Refer to precedents in determining solution alternatives. * Recommend solution to problem from various alternatives. * Implement solutions within immediate scope.
Mike has good problem solving skills, but must remember to consider project scope in developing solutions. He is always eager to develop the most robust solution, but must also consider other project constraints. Although the tutor component exceeded budget, its capabilities most likely resulted in an overall decrease in total development time.		

Teamwork/Collaboration	2 * Encourage others to share ideas to develop team cohesion. * Listen, while withholding judgement, to all viewpoints. * Participate in goal setting and problem solving. * Identify barriers to effective teamwork. * Help other team members who need assistance. * Be open and flexible to new ideas that may alter team goals. * Share credit for accomplishments with team members.	2 * Encourage others to share ideas to develop team cohesion. * Listen, while withholding judgement, to all viewpoints. * Participate in goal setting and problem solving. * Identify barriers to effective teamwork. * Help other team members who need assistance. * Be open and flexible to new ideas that may alter team goals. * Share credit for accomplishments with team members.
Mike listens well to different points of view, and works to develop the best solution for the team. However, during this design phase Mike worked fairly independently, without sufficient communication with other members of the architecture team. This led to some difficulty in integrating the tutor component with the rest of the architecture. Early, up-front discussions/solutions for the overall integration could have eliminated this difficulty.		

No Basis Professional Qualities

Diversity Management	2
Professional Relationships	2

Success Factors

Success Factor	Definition	Meets Expectations	Does Not Meet Expectations
Client Focus	Adopting client perspective in all interactions.	☑	☐
Confidence	Acting with appropriate self-assurance; remaining poised in uncertain and ambiguous situations.	☑	☐
Cooperative	Maintaining responsibility and flexibility in working with others to achieve common goals.	☑	☐
Decisiveness	Acting promptly and confidentially using sound judgement and common sense.	☑	☐
Integrity	Consistently honoring commitments. Taking responsibility for actions and words.	☑	☐
Interpersonal Flexibility	Adapting to other personalities in a respectful manner that is conducive to goal achievement.	☑	☐
Responsiveness	Promptly acting upon requests or information.	☑	☐
Self Starter	Motivated to learn or advance own expertise and value.	☑	☐
Stewardship	Thinking future-oriented; acting and investing to build a stronger firm for tomorrow.	☑	☐
Thoroughness	Systematically organizing and completing detailed tasks; checking accuracy and completeness of information.	☑	☐

Self Starter:
Mike is very driven by exposure to new technologies or technical implementations. He is continually trying to learn and develop his expertise in a number of areas.

Cooperative:
Mike has been quite flexible and cooperative in working with the designers to ensure that the tutor workbench met their requirements. Mike must work to maintain this cooperative style in other areas, specifically administrative concerns. Mike has a tendency to always expect a little more in terms of project benefits (e.g. rental cars) than Andersen and client guidelines permit. Mike did not want out of town team members to share rental cars because of the distance between the apartment and the client site.

Contribution

Mike has added a great deal of value to our team. He has designed and created a tutor component to provide feedback for this business simulation application. The tutor uses sophisticated rules and algorithms to determine appropriate feedback for the wide variety of student actions which can occur. This is the first project to undertake such a task, and Mike did not hesitate to rise to the challenge.

The product we have at the end of design has some performance issues, but Mike has determined an alternate solution and will implement that solution during the next phase of the project. This Tutor should be reusable on other engagements which subscribe to the same approach to providing feedback. If this approach is used on future client projects, it will reduce overall development cost to the client.

Mike takes the initiative to teach others new products, and during this phase helped several people learn the basics of Microsoft Access databases.

Mike needs more supervisory experience, and needs to learn how to actively manage the work efforts of those who work for him.

Key Strengths

- Technical expertise, specifically in rule-based systems
- Support/assistance to other team members; always eager and willing to take time out to assist others or teach them new tools/techniques
- Initiative/desire to acquire knowledge and new skills

Areas for Development

- Supervision of others (needs more opportunity here)
- Writing/presenting at a level appropriate for intended audience
- Up-front collaboration and issue resolution of overall integration issues
- Looking for win-win
- Balance work effort w/budget

Suggestions for Next Assignment

Mike's next assignment should involve supervisory tasks, where he is responsible for managing others' work efforts. He likes to implement his own designs, but must learn how to break work into components which can be delegated to other team members.